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SUBJECT: NEW CNE SLATES 2005 ELECTIONS

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Summary

1. (C) Venezuela's Supreme Court (TSJ) appointed the new President, vice-president and two new Directors to the National Electoral Council January 20, even though under the constitution it is the National Assembly that makes the appointments. The TSJ named former Director Jorge Rodriguez to replace Francisco Carrasquero, now a member of the TSJ himself. Of the five principal council members, four support President Hugo Chavez. TSJ President Ivan Rincon and CNE President Rodriguez dismissed criticism about the manner in which the CNE was named. In his first press conference as CNE President, Rodriguez announced nine referendums, local and parochial elections, and elections for National Assembly deputies slated for April, July and December respectively. End Summary.

Introducing...

2. (U) For the second time in two years, the Supreme Court (TSJ) usurped the National Assembly's responsibility and named the Directors of the National Electoral Council (CNE) January 20. January 21 Director Jorge Rodriguez was sworn in as the new President, and Director Sobella Mejias, formerly head of the Civil and Electoral Registry Commission, as vice-president. Oscar Battaglini was reappointed as a Director and assigned to preside over the Civil and Electoral Registry Commission. The two new Directors were Tibisay Lucena, formerly a CNE alternate, and Oscar Leon Uzcategui, a lawyer and formerly part of the Electoral Nomination Committee of the National Assembly. The new Directors replaced Francisco Carrasquero who was recently appointed to the Supreme Court and Ezequiel Zamora who resigned in September 2004. Four of the five Directors, with Mejias the exception, support President Hugo Chavez. Two opposition alternates, Miriam Kornblith and Carlos Castillo, were also replaced.

Constitutional Criticism and Defense

3. (U) Prior to the appointments the vice-president of the Electoral Nomination Committee Santiago Rodriguez and former constituent assembly member Hermann Escarra (who helped draft the 1999 Constitution) separately submitted requests to the Constitutional Chamber of the TSJ asking the judges to refrain from naming the new Directors. Rodriguez and Escarra claimed that for the TSJ to designate the Directors again, as they did in August 2003 when the National Assembly could not reach the 2/3 majority vote required, violated the Constitution and "the elemental principal of separation and independence of public powers." Movement to Socialism President Felipe Mujica told the press the TSJ's designations were a confiscation of the Electoral Power and should be challenged before the legislative elections. Mujica claimed that National Assembly President Nicolas Maduro (MVR) had said the topic of the CNE would not be touched until after the legislative elections (set for December 2005) when the new Assembly would take on the task of designating the CNE. Several other opposition party members and deputies also criticized the appointments as unfair and unconstitutional.

4. (U) TSJ President Ivan Rincon said the court decided to take on the responsibility that normally belonged to the National Assembly to "guarantee the working of institutions." Rincon criticized the disagreements among former Directors and asserted that the unity of the new management would be a positive contribution. Rodriguez, as the newly appointed CNE President, responded publicly to the criticisms saying he would act independently and listen to both sides. "This Electoral Power will endeavor to find equilibrium and transparency, so it seems bad for your health to fight with the arbitrator," Rodriguez said.

15. (U) Rodriguez told the press the Electoral Board (JNE), which he also heads, was meeting to define an election calendar for 2005. Although the CNE had not yet approved the final schedule, Rodriguez said, the 2005 elections should include nine referendums for opposition deputies and an election for the Amazonas State governor in the first half of April, elections for local councils and parochial boards in July, and the National Assembly elections in the first half of December. Rodriguez said dates for union elections were still undecided.

16. (U) Rodriguez also noted that the CNE and National Identification Office (Onidex) signed an agreement January 24. As head of the Civil and Electoral Registry Commission, Battaglini committed to present the board with a project proposal for an automated and updated registry. Rodriguez also announced a 25 percent pay raise for CNE staff and a new headquarters for the CNE within the next three months.

Comment

17. (C) The newly designated CNE eliminates any pretense of impartiality in the electoral power. The intention seems to be to carry forth with 2005's three elections, especially that of the National Assembly deputies, with a heavily pro-Chavez CNE. That is not to say that the actual vote counts will necessarily be fraudulent, but the processes will be tilted towards the GOV, and the GOV will retain the option to use fraud. Adding to the weakened opposition's woes, Battaglini, a Chavista hard-liner, is in charge of "correcting" the voter registry.
BROWNFIELD